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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,599	02/27/2004	Dale K. Brubacher-Cressman	555255012723	6800

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EXAMINER

JACKSON, BLANE J

ART UNIT	PAPER NUMBER
2618	

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/788,599	<b>Applicant(s)</b> BRUBACHER-CRESSMAN ET AL.	
	<b>Examiner</b> Blane J. Jackson	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 3, 9 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Messel et al. (US 2004/0204125).

As to claim 1, Messel teaches a wireless communication device and method for determining the on time of a light that illuminates a display screen in a handheld wireless communication device comprising:

Turning the light that illuminates the display screen on (figure 1a, paragraph 0046, display (3) (and keypad (2)) is turned on when an event occurs via an L driver),

Determining one or more time on factors for a viewing activity on the display screen (paragraph 0046, an event occurs: incoming call, an incoming call from a particular caller, a power on/off, incoming SMS etc to trigger stored display light sequence comprising timing, intensity and color),

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Combining the one or more determined time on factors to provide a time on value (paragraph 0046, display light sequences assigned to events in which the sequence is programmed to repeat until another event occurs),

Keeping the light that illuminates the display screen on at a first intensity level for a duration equal to the time on value and then turning the light to a second intensity level (paragraph 0047 and 0048, user programs the light sequence to select a light or light group per the event, different sequential groups of lights, the duration of each light or light group, and intensity).

As to claim 2, Messel teaches claim 1 wherein the second intensity level is an off state of the light (paragraph 0046, pre-programmed sequence of light activation includes the intensity of the light with respect to time as triggered by the selected event).

As to claim 3, Messel teaches claim 1 wherein the second intensity level is a dim state of the light (paragraph 0046, pre-programmed sequence of light activation includes the intensity of the light with respect to time as triggered by the selected event).

As to claim 9, Messel teaches claim 1 wherein at least one of the time on factors is a type of activity to be performed by an end user (paragraph 0047, a check is made if a sequence (light duration) of activating the lights is assigned to a particular event such as keypad use).

As to claim 15, Messel teaches claim 1 wherein a user profile provides default values for at least a portion of the one or more time on factors (paragraph 0040, the default function of the lights).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Messel et al. (US 2004/0204125) in view of Airas (US 2005/0119032).

As to claims 7 and 8 with respect to claim 1, Messel does not teach at least one of the time on factors is an amount of information or font size to be displayed on the display screen.

Airas teaches a mobile telephone configured for optical messaging, figure 8. Airas teaches it is known a conventional display is optimized by selecting the appropriate display size, font size, resolution and brightness for reading at a distance of about 50 cm from the users eyes, paragraph 0005. Alternatively, Airas discloses a mobile phone comprising user to select the brightness and contrast settings of the display may be maximized when the large symbols are display to be recognized by the human eye at a distance of about 4 meters or more, figures 1, 2 and 13, paragraphs 0004, 0022-0023. Airas further teaches an editor program may allow manipulation of the

length and intensity of activations in the displayed sequence, the light source may even be manually controlled by a user to encode a text message or the like, paragraphs 0025-0036.

It would have been obvious to one of ordinary skill in the art at the time of the invention to additionally control the display presentation of Messel in accordance to the control of brightness/font size/ information amount as taught by Airas to make the display readable at a distance.

Claims 10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Messel et al. (US 2004/0204125) in view of Sakamoto (US 2004/0204016).

As to claim 10 with respect to claim 1, Messel teaches several time on factors, paragraph 0047, but does not teach at least one of the time on factors is a behavioral pattern of a user of the handheld wireless communications device.

Sakamoto teaches a mobile communication device where the luminosity of the device display is based on whether the device is handheld or not and if the user does not manipulate for this pre-programmed predetermined time, the luminosity is decreased, figures 2 and 10, paragraphs 0097-0101.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Messel to include the user handheld detection feature of Sakamoto to further reduce consumption of the battery of the portable device when not actively used.

As to claim 12 with respect to claim 10, Sakamoto of Messel modified teaches the behavioral pattern of a user is an average of time on values (paragraph 0099, predetermined time for keeping the luminosity high is set and reset based on whether the device is handheld or not).

As to claim 13 with respect to claim 12, Sakamoto of Messel modified teaches the average of the time on values is weighted more heavily for more recent usage by the user (paragraph 0099, the predetermined time for keeping the luminosity high may be set longer when handholding is regularly detected).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Messel et al. (US 2004/0204125) in view of Labban (US 6,574,486).

As to claim 10 with respect to claim 1, Messel is silent to the user is identifiable by the handheld wireless communications device through a password.

Labban teaches a method for selecting among calling options in a wireless communication device wherein the user enters a security PIN permitting user entry into any of the displayed set-up alternatives, figure 1, column 7, line 63 to column 8, line 14.

It would have been obvious to one of ordinary skill in the art at the time of the invention to equip Messel with the security feature of Labban to control changes to the configuration of the device.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Messel et al. (US 2004/0204125) and Sakamoto and further in view of Labban (US 6,574,486).

Sakamoto of Messel modified teaches the predetermined time for keeping the luminosity high may be set longer, paragraph 0099, but is silent as to the time on value is stored in a log unique to the user.

Labban teaches a wireless telephone where the user enters a wireless telephone security PIN permitting user entry into any of the displayed set-up alternatives where the user can program into memory specific set-up values (a calling card number and associated PIN), column 7, line 63 to column 8, line 14.

It would have been obvious to one of ordinary skill in the art at the time of the invention to equip Messel modified with the security feature and value storage of Labban to store and control values governing the operation of the device.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Messel et al. (US 2004/0204125).

As to claim 16 with respect to claim 15, Messel teaches a mobile communication terminal comprising the typical menu based user interface, keypad, display, memory and controlling processor with default function programming, paragraph 0040, but is silent as to the user profile provides an option for a user to reset the time on factors to default values. However, Messel further teaches the functions of the multi-functionality keys are displayed on separate fields with information entered by the data entering keys and information received from the network are displayed in the basic screen area.



Consequently, it would have been obvious to one skilled in the art at the time of the invention to recognize in the menu driven set-up capability of Messel the additional usual feature of the option to replace user entries and return to the set of default values.

Claims 4-6, 17, 19-21, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Messel et al. (US 2004/0204125) in view of Tanaka et al. (US 2003/0073467).

As to claims 4-6 with respect to claim 1, Messel teaches several time on factors, paragraph 0047, but does not teach at least one of the time on factors is an ambient light level.

Tanaka teaches a wireless portable terminal comprising a light sensor (figure 2, (155)) in close proximity to the display screen to detect the external brightness to signal a controller to determine the intensity to energize the key backlight and screen light in response to occurrence of a predetermined event, figures 1-4, paragraphs 0034, 0034 and 0052-0061).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the time on factors of Messel the light sensor based display/keypad illumination control feature of Tanaka for low power consumption in bright ambient light and excellent user operability in a dark ambient.

As to claims 17 and 19, Messel teaches a wireless communications device comprising:

A body, the body including:

A transmitter,

A receiver

A display screen,

A light source for illuminating the display screen (figures 1a and 1d, paragraphs 0040 and 0041, a cellular transceiver with several lights and groups of lights that are functionally selected by the user to illuminate the display (3)),

A processor that interfaces with the transmitter, the receiver, the light source and the display screen, the light source being controlled by the processor, the processor determined a turn on period for the light source according to a time on factor (paragraph 0046, selected display lights activated when an event occurs including an incoming call and an incoming call from a particular caller).

Messel is silent as the time on factor being at least one of the group consisting of an amount of information to be displayed, a font size of characters to be displayed, behavioral heuristics of a user of the wireless communications device, an activity to be performed by the wireless communications device and an ambient light level.

Tanaka teaches a portable telephone (figures 1 and 2) including a light sensor (155) to detect brightness around the mobile phone to signal the control unit (120) for subsequent luminosity control of the key backlight (153) and screen light (154) in response to occurrence of a predetermined event, paragraphs 0010-0018 and 0033-0046.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the time on factors of Messel the light sensor based display/keypad illumination control feature of Tanaka for low power consumption in bright ambient light and excellent user operability in a dark ambient.

As to claim 20, Tanaka of Messel modified teaches the wireless communication device of claim 19 wherein the ambient light level used by the processor to determine an intensity of light generated by the light source (figure 5, paragraphs 0061-0067).

As to claim 21, Messel teaches the wireless communications device of claim 17 wherein the light source is a light emitting diode (paragraph 0041).

As to claim 24, Messel teaches the wireless communications device of claim 17 wherein the display screen is capable of displaying a menu to allow a user of the wireless communications device to select the time on factors to be used for determining the turn on period (paragraph 0040).

As to claim 25, Messel teaches the wireless communications device of claim 24 wherein the menu provides an ability to select a dim mode of limited duration after the turn on period terminates (paragraph 0046, user selects the light, group of lights, light color, intensity, duration and the timing of activation per the selected event).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Messel et al. (US 2004/0204125) and Tanaka (2003/0073467) in view of Airas (US 2005/0119032).

As to claim 18 with respect to claim 17, Messel modified does not teach at least one of the time on factors is an amount of information or font size to be displayed on the display screen.

Airas teaches a mobile telephone configured for optical messaging, figure 8. Airas teaches it is known a conventional display is optimized by selecting the appropriate display size, font size, resolution and brightness for reading at a distance of about 50 cm from the users eyes, paragraph 0005. Alternatively, Airas discloses a mobile phone comprising user to select the brightness and contrast settings of the display may be maximized when the large symbols are display to be recognized by the human eye at a distance of about 4 meters or more, figures 1, 2 and 13, paragraphs 0004, 0022-0023. Airas further teaches an editor program may allow manipulation of the length and intensity of activations in the displayed sequence, the light source may even be manually controlled by a user to encode a text message or the like, paragraphs 0025-0036.

It would have been obvious to one of ordinary skill in the art at the time of the invention to additionally control the display presentation of Messel modified in accordance to the control of brightness/font size/ information amount as taught by Airas to make the display readable at a distance.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Messel et al. (US 2004/0204125) in view of Sakamoto (US 2004/0204016).

As to claim 22 with respect to claim 17, Messel teaches several time on factors, paragraph 0047, but does not teach at least one of the time on factors is a behavioral pattern of a user of the handheld wireless communications device.

Sakamoto teaches a mobile communication device where the luminosity of the device display is based on whether the device is handheld or not and if the user does not manipulate for this pre-programmed predetermined time, the luminosity is decreased, figures 2 and 10, paragraphs 0097-0101.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Messel to include the user handheld detection feature of Sakamoto to further reduce consumption of the battery of the portable device when not actively used.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Messel et al. (US 2004/0204125) in view of Labban (US 6,574,486).

As to claim 23 with respect to claim 22, Messel is silent to the user is identifiable by the handheld wireless communications device through a password.

Labban teaches a method for selecting among calling options in a wireless communication device wherein the user enters a security PIN permitting user entry into any of the displayed set-up alternatives, figure 1, column 7, line 63 to column 8, line 14.

It would have been obvious to one of ordinary skill in the art at the time of the invention to equip Messel with the security feature of Labban to control changes to the configuration of the device.

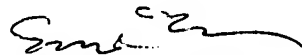
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Friday, 9:00 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJJ

  
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